

AMENDED IN ASSEMBLY MAY 23, 2002

AMENDED IN ASSEMBLY APRIL 2, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1764

Introduced by Assembly Member Wayne

January 8, 2002

An act to add Section 529.3 to the Penal Code, relating to false personation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1764, as amended, Wayne. False personation: electronic mail.

Existing law makes it a crime for anyone to send to a person, a forged telegraph or telephone message that purports to be from a person other than the sender, as specified, with the intent to deceive, injure, or defraud another. Existing law also provides that it is a crime punishable by a fine not exceeding \$10,000 and imprisonment in a county jail or the state prison to falsely personate another and to publish in the name of another person any written instrument with the intent that it be recorded, delivered, or used as true.

This bill would provide that it is a crime to falsely personate another by sending an electronic communication to another using the actual electronic mail address belonging to another or the actual name of another person with the intent to make the recipient of the electronic communication believe that it is from the person falsely personated and to injure or defraud another punishable as stated above *for a second or subsequent offense and by imprisonment in a county jail for a period not*

exceeding one year, a fine not exceeding \$1000, or both that imprisonment and fine for a first offense.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 529.3 is added to the Penal Code, to
2 read:

3 529.3. (a) Every person who falsely personates another in
4 either his or her private or official capacity, and in such assumed
5 character sends an electronic communication to another using the
6 actual electronic mail address belonging to another or the actual
7 name of another person with the intent to make the recipient of the
8 electronic communication believe that it is from the person falsely
9 personated and with the intent to injure or defraud another is
10 punishable *by imprisonment in a county jail for a period not*
11 *exceeding one year, a fine not exceeding one thousand dollars*
12 *(\$1000), or by both that imprisonment and fine for a first offense*
13 *or by a fine not exceeding ten thousand dollars (\$10,000), by*
14 *imprisonment in the state prison, by imprisonment in a county jail*
15 *not exceeding one year, or by both that fine and imprisonment for*
16 *a second or subsequent offense.*

17 (b) *Nothing in this section shall preclude prosecution under*
18 *any other provision of law.*

19 SEC. 2. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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